

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 97-138**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### **2. Form, Style and Placement in Administrative Code**

- a. The repeal and recreation of s. ILHR 20.24 in SECTION 8 should not include the subchapter title.
- b. SECTION 9 should be divided into two SECTIONS--one that rennumbers and amends s. ILHR 21.02 (1) (c) and one that creates s. ILHR 21.02 (1) (c) 2. and 3.
- c. The title in s. ILHR 21.05 (4) (b) should be underlined.
- d. The reference in s. ILHR 21.08 (5) (b) to “subpars.” should be changed to “par.”
- e. The title to s. ILHR 21.17 should not be shown when s. ILHR 21.17 (1) is repealed and recreated.
- f. The hyphen in s. ILHR 21.17 (4) (c) should be replaced by “to.”
- g. The title of ch. ILHR 22 should be shown when the entire chapter is repealed and recreated.
- h. In ch. ILHR 22, it is suggested that the order of subchs. II and III be reversed.
- i. The last sentence of s. ILHR 22.04 should be written in the active voice. It should begin “\_\_\_\_\_ shall provide . . . .” The entire rule should be reviewed for instances of this error; see, for example, ss. ILHR 22.16 (intro.) and 23.02 (1) (c).

- j. The cross-reference in s. ILHR 22.30 (2) should be to “sub. (3).”

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The term “bedroom” is defined in s. ILHR 20.07 (8f) to mean a room with a closable door that also contains a closet. This definition could encompass other kinds of rooms not normally thought of as bedrooms, such as a bathroom that has a closet. It also would exclude a room that is used as a bedroom but that does not contain a closet.

b. The phrase “irrespective of height or width” that is added to s. ILHR 21.03 (6m) (b) 1. is unclear. As drafted, this phrase means “without regard to” the height or width. The apparent intent of this provision would be better expressed by the phrase “in either height or width.” In the alternative, the underscored language could be deleted.

c. Sections ILHR 22.01 and 22.02 (1) and (2) should commence with “This chapter applies . . .”, “This chapter is not intended . . .” and “This chapter allows . . .”, respectively.

d. Section ILHR 22.03 (1) specifies two alternatives for identifying insulation. It is difficult to understand the differences between the two alternatives and difficult to understand how the requirement of posting the certification relates to these alternatives. This subsection could be clarified easily by separating the alternatives into two paragraphs.

e. Section ILHR 22.03 (2) (a) requires installation of insulation in a manner to permit inspection. Should this be clarified to state that the inspection would occur before walls and ceilings are finished?

f. Section ILHR 22.04 refers interchangeably to equipment and product. Can consistent terminology be used in this section?

g. The first sentence in s. ILHR 22.05 (1) is difficult to understand. One way to clarify this sentence would be to separate it into two sentences, one for labeling and certification by the manufacturer and one for independent laboratory certification. Also, the acronym “NFRC” should be included in this subsection. Finally, sub. (1) appears to **require** manufacturer certification, but sub. (2) establishes requirements when the manufacturer has not determined product U-value. Are these subsections inconsistent?

h. The comma after “such as” should be deleted in s. ILHR 22.06 (3).

i. The definition of “energy” in s. ILHR 22.06 (11) could be clarified by adding “form” after “one” and by placing the acronyms in parentheses.

j. The definition of “glazing area” in s. ILHR 22.06 (14) refers to glazing that encloses conditioned spaces. Would it be preferable to refer to glazed surfaces that are part of the dwelling envelope, which is a defined term in the rule?

k. The definition of “gross exterior wall area” in s. ILHR 22.06 (15) could be substantially clarified. The meaning of “normal projection” is not clear and may be technical

jargon. The phrase “bounding interior space which is conditioned by an energy-using system” is unnecessary because this concept is included in the defined term “dwelling envelope.” It is not clear which surfaces and spaces are referred to by the phrases “such surfaces” and “such spaces.” Opaque areas are deemed to include windows and doors in this definition, but are excluded from the definition of “opaque areas” in s. ILHR 22.06 (26).

l. In s. ILHR 22.06 (28), “contributed” should replace “contribute.”

m. The definition of “sash crack” in s. ILHR 22.06 (31) requires a measurement of the perimeter of all window sashes. It is not clear what is meant by “overall dimensions” and how a perimeter could consist of anything other than the overall dimension. Also, does the phrase “expressed in feet” mean “rounded off to the nearest foot” or does it mean something else?

n. The term “daylighting” in s. ILHR 22.06 (37) is jargon. It would appear to be more appropriate to use “sunlight.”

o. The definitions of “thermal conductance” and “thermal transmittance” in s. ILHR 22.06 (39) and (42) are nearly the same. There does not appear to be any reason to use two terms to mean the same thing. If these terms are in fact different, the definitions should indicate that difference.

p. It is not clear what portion of the roof would be the “low sides” in s. ILHR 22.08 (1) (a) (intro.) Is the “side” of the roof the gable? Also, what is meant by the “upper one-half of the roof or attic area”?

q. The phrase “of vapor retarders” should apparently be added after “designs” in s. ILHR 22.22 (1) (a).

r. The phrase “the given” in s. ILHR 22.28 (2) should be replaced by “a” and the hyphen in the phrase “10-feet” should be eliminated. This latter problem should be corrected in ss. ILHR 22.26 (2) and 22.27 (2) also.

s. The word “plus,” which is used several times in ss. ILHR 22.33 and 22.34, should be replaced by “and.”

t. It is not clear what is meant by “analysis of the annual energy usage or annual energy analysis” in s. ILHR 22.33. These two terms appear to be virtually the same.

u. Section ILHR 22.35 (1) should commence with: “The input values in this section shall be used . . . .”

v. In table 22.35-2, an asterisk should be placed after “Duct Location.”

w. Section ILHR 22.36 (1) allows the comparison of designs on an annual basis or “other time unit.” However, s. ILHR 22.33 appears to allow only annual calculations.

x. Section ILHR 22.41 (2) (intro.) should commence as follows: “To qualify for the exclusion in sub. (1), the renewable energy . . . .”

- y. The word “shall” should be deleted in s. ILHR 22.41 (2) (a).
- z. In s. ILHR 22.42 (1), “an” should be inserted before “exception.”
- aa. The comma in the second sentence of s. ILHR 22.42 (2) should be deleted and “must” should be replaced by “shall.”